

**BY ORDER OF THE COMMANDER
AIR EDUCATION AND TRAINING
COMMAND**



DOD 5400.7-R/AIR FORCE SUPPLEMENT

**AIR EDUCATION AND TRAINING COMMAND
Supplement 1**

26 FEBRUARY 2003

DOD FREEDOM OF INFORMATION ACT PROGRAM

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

The basic publication has changed; however, the only revisions required in this supplement were made in the date, supersession, and lead-in lines, and to the certifying and approving officials.

NOTICE: This publication is available digitally on the HQ AETC Publishing WWW site at <http://www.aetc.randolph.af.mil/im>. If you lack access, contact your base publishing manager.

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★DoD 5400.7-R/AF Supplement, 24 June 2002, is supplemented as follows:

Maintain and dispose of records created as a result of processes prescribed in this publication in accordance with AFMAN 37-139, *Records Disposition Schedule*.

SUMMARY OF REVISIONS

This document is substantially revised and must be completely reviewed. Updates organizational changes; defines disclosure, release, and denial authority; designates flight commanders or equivalent as the release authority; revises the current processing of requests for IG records at the MAJCOM and bases; adds processing procedures for base IG offices; and changes the responsibility of processing FOIA requests for HQ AETC records to 12 CS/SCBR.

C1.4.2. (AF) Process the request, but inform the Air Force-affiliated requester that using government resources to make a FOIA request is not authorized.

C1.4.5.3. (Added)(AETC) Release Authority (RA). The position designated by HQ AETC/SC to sign all final responses to requesters, to include releases, referrals, and "no records" responses. See paragraph C1.5.3.9 (Added)(AETC), this supplement, for designation.

C1.4.5.4. (Added)(AETC) Disclosure Authority (DA). The disclosure authority signs the letter to the FOIA manager authorizing disclosure/nondisclosure of records requested under the FOIA. See C5.2.1.2.1 for delegation.

C1.5.3.7. (AF) Records managers (RM) at each AETC base, the 59th MDW, and the 336th Training Group are designated as FOIA managers in accordance with the AETC Sup 1 to AFI 33-322, *Records Management Program*. A request for waiver to designate someone other than the RM as the FOIA manager must be sent to the command FOIA manager (HQ AETC/SCMC [FOIA]) for approval.

C1.5.3.7.1.1. (AF) FOIA managers will use the FOIA Access tracking program as directed by headquarters.

C1.5.3.7.1.3. (AF) FOIA managers will prepare all responses to requesters.

C1.5.3.7.1.8. (AF) Provide FOIA training during the regular records management training course, as well as additional training on an as-needed basis. *For Randolph AFB only:* The RM (12CS/SCBR) will provide FOIA training as required to all base personnel except Headquarters, Air Force Personnel Center (HQ AFPC), and Air Force Manpower and Innovation Agency (AFMIA).

C1.5.3.7.1.10. (AF) Periodic program reviews will be conducted during the RM's staff assistance visits (SAV).

C1.5.3.7.1.11. (AF) Fee issues (requester category, willingness to pay, fee waivers) must be resolved before referring the FOIA package to HQ AETC/SCMC (FOIA). FOIA packages with unresolved fee issues will be returned to the base RA for corrective action.

C1.5.3.7.1.16. (AF) The designated RA will sign "no records" responses according to paragraph C1.5.3.9 (Added)(AETC), this supplement.

C1.5.3.7.1.18. (Added)(AETC) Prepare pre-release packages for RA signature. A pre-release package is one that requires at least two actions by the FOIA manager; that is, a release to the requester of documents fully releasable and completely independent from all other documents *and* a referral to HQ AETC/SCMC (FOIA) of documents recommended for denial.

C1.5.3.7.1.19. (Added)(AETC) Ensure the staff judge advocate (SJA) reviews and coordinates on all responses to FOIA requests.

C1.5.3.7.2.5. (AF) Provide written confirmation from the OPR that a second search was conducted. Confirmation will indicate where search was conducted (for example, records staging area, general office files, etc.).

C1.5.3.9. (Added)(AETC) HQ AETC/SC has designated the position of the flight commander over the office responsible for the FOIA program as the release authority (RA) for routine releases, referrals, and "no records" responses. In the absence of the designated RA, the individual filling or assuming that position will act as the RA. All documentation must reflect the position title of the designated RA, even if in an acting capacity. No lower designation is authorized.

C1.5.4.2.1. (AF) Simple requests are those processed within 1 to 20 workdays.

C1.5.4.2.2. (AF) Complex requests are those processed in 21 workdays or more.

C1.5.5.1. (AF) The foreign disclosure office (FDO) for HQ AETC is AFSAT/CCD, Randolph AFB TX 78150-4350. Luke and Maxwell AFB should refer requests from foreign officials to the FDO located on their respective base.

C1.5.7.1. Respond to questions in a FOIA request only when documents exist that would satisfy the requester's questions *or* creating a new record would be a more useful response to the requester and less burdensome for the agency than providing existing records.

C1.5.14. *Non-responsive information contained in responsive records* is defined as paragraphs or portions thereof within records identified as responsive. Entire documents determined to be non-responsive should not be processed.

C2.1.1.1. (AF) Each FOIA office will immediately notify HQ AETC/SCMC (FOIA) by e-mail of any URL address changes to its FOIA web site.

C2.1.2.4.2. (AF) Include mass mailing restrictions for those FOIA-processed records that contain lists of names and duty addresses maintained in the FOIA electronic reading room.

C3.2.1.4.8. (AF) Contracting personnel will follow the local base procedures for obtaining submitter comments.

C3.2.1.6.2.2.1. (AF) The FOIA manager will submit the list of sensitive or routinely deployable units to HQ AETC/SCMC (FOIA) to arrive no later than the last workday of every January and July. Prepare the report in accordance with the instructions in paragraph C3.2.1.6.2.2.2 of the Air Force supplement. The report will only include AETC units; tenant units will report to their MAJCOM FOIA manager.

C4.2.1.6. (Added)(AETC) Along with the appropriate exemption, mark "FOUO" on staff directories and other administrative listings containing FOIA-exempt information (for example, e-mail addresses). Mark recall rosters as follows: "FOUO. This document contains information exempt from mandatory disclosure under the FOIA. Exemption 5 U.S.C. 552 (b)(6) applies. This document also contains personal information that is protected by the Privacy Act of 1974 and must be safeguarded from unauthorized disclosure."

C5.1.1. Unclassified AETC course control documents (including course or specialty training standards, course charts, plans of instruction, and syllabi of instruction) and Air Force and AETC standard publications not classified or marked "FOUO" are releasable to a requesting agency without individual release authority from HQ AETC.

C5.1.1.2.2. (AF) *For Randolph AFB only:* The host-base FOIA office (12 CS/SCBR) will process all initial FOIA requests for HQ AETC directorates and special staff offices and tenant organizations, to include Air Force Recruiting Service (**EXCEPTION:** HQ AETC/IG, HQ AFPC, and AFMIA).

C5.1.6. (Added)(AETC) Processing Procedures for Inspector General (IG) Records: (**EXCEPTION:** FOIA requests pertaining to recruiting IG issues will be processed by 12 CS/SCBR.)

C5.1.6.1. (Added)(AETC) The MAJCOM FOIA manager will continue to process FOIA requests for HQ AETC/IG records in the usual manner. On completion of the case, the MAJCOM FOIA manager will provide HQ AETC/IGQ with an info copy of the legal review, final response, and all copies of IG records for filing. The MAJCOM FOIA office will maintain the official record copy of all documentation except the IG records. All copies of IG records will be maintained by HQ AETC/IGQ. On appeals, the MAJCOM FOIA manager will forward the appeal to HQ AETC/IGQ for action. HQ AETC/IGQ will review the appeal, make a recommendation, and provide a complete copy of all IG records previously released and/or denied for inclusion in the appeal package to AFLSA/JACL.

C5.1.6.2. (Added)(AETC) HQ AETC/IGQ will process FOIA requests as usual and maintain the official file copy of the requested HQ AETC/IG records. On appeals, HQ AETC/IGQ will process the appeal in accordance with paragraph C5.3 of the basic regulation and paragraph C5.1.6.1 (Added)(AETC), this supplement.

C5.1.6.3. (Added)(AETC) AETC FOIA managers will:

C5.1.6.3.1. (Added)(AETC) Receive and log in the request.

C5.1.6.3.2. (Added)(AETC) Forward the request to the IG for action. **NOTE:** The FOIA manager will not physically handle the requested IG records.

C5.1.6.3.3. (Added)(AETC) Process records identified as non-IG records as usual, if applicable.

C5.1.6.3.4. (Added)(AETC) Prepare a referral memorandum to HQ AETC/SCMC (FOIA) and a response to the requester. The referral memorandum should detail all actions taken on the non-IG

records and include the date the IG forwarded the records to HQ AETC/IGQ. Managers will provide copies of all supporting documentation and an index of released records. **NOTE:** Even though IG records do not go through the FOIA office, the request will always be processed as a referral.

C5.1.6.3.5. (Added)(AETC) Close the file.

C5.1.6.4. (Added)(AETC) Base IG personnel will: (**NOTE:** If IG personnel receive the request directly, they will immediately notify the FOIA office.)

C5.1.6.4.1. (Added)(AETC) Locate the records and contact HQ AETC/IGQ to determine further processing requirements.

C5.1.6.4.2. (Added)(AETC) Forward a copy of the documents directly to HQ AETC/IGQ in accordance with their guidance.

C5.1.6.4.3. (Added)(AETC) Prepare a memorandum to the FOIA manager, advising of all other actions taken regarding the requested IG records, to include referring non-IG records if applicable.

C5.2.1.1. (AF) The incumbents of the positions of director and deputy director of communications and information (HQ AETC/SC) are the designated initial denial authority (IDA) for all command records including IG records.

C5.2.1.2. (AF) Within AETC, numbered Air Force, wing, mission group, or support group commanders are authorized to disclose records to the public. These individuals may further delegate this authority to a lower echelon. **NOTE:** According to AFI 91-204, *Safety Investigations and Reports*, the disclosure authority for records concerning US Air Force mishaps is HQ AFSC/JA. According to AFI 51-503, *Aerospace Accident Investigations*, the disclosure authority for records involving AETC aircraft is HQ AETC/JA.

C5.2.2.10. FOIA managers will refer partial and full denial packages to HQ AETC/SCMC (FOIA). The denial packages must have a cover memorandum signed by the designated RA and outlining all actions taken up to the date of referral, to include all unusual circumstances. All referral letters must include the statement: "These records (*were/were not*) retrieved from Privacy Act System #_____ " by (*individual's name or personal identifier*)." Attachments will be identified on the cover memorandum, and each attachment will be tabbed separately. When referring denial packages to HQ AETC/SCMC (FOIA), assemble them as follows:

C5.2.2.10.1. (Added)(AETC) The FOIA request and envelope the request was sent in.

C5.2.2.10.2. (Added)(AETC) A completed DD Form 2086, **Record of Freedom of Information (FOI) Processing Cost**.

C5.2.2.10.3. (Added)(AETC) Administrative processing records (tasking letters, extension letters, acknowledgment letters, letters to submitters with mail receipts, etc.).

C5.2.2.10.4. (Added)(AETC) Each submitter's comments, to include documentation on submitters who failed to respond, if applicable.

C5.2.2.10.5. (Added)(AETC) Each OPR's written recommendations.

C5.2.2.10.6. (Added)(AETC) Legal opinion.

C5.2.2.10.7. (Added)(AETC) Denied records. Provide one legible, single-sided, highlighted copy. Use a yellow, nonreproducible marker and place an "X" through each page of the fully denied document. For each partially denied document, carefully highlight denied words, phrases, sentences, or paragraphs. Then write the applicable exemption--for example, "(b)(4)"--once in pencil in the upper right hand

corner of each page containing highlighted information. Line through all "FOUO" markings.

C5.2.2.10.8. (Added)(AETC) Pre-released records, to include an index or description of pre-released records. A copy of the pre-released records *is not required*, but should be readily available if an appeal is filed.

C5.2.8.1. The wing, mission group, or support group commander will make the final decision to release information over the submitter's objections. Coordinate all such actions with the base SJA.

C5.3.1.2. (AF) When an appeal to a "no records" response, category determination, or fee waiver request is received and a determination is made to deny the appeal, send the case file to HQ AETC/SCMC (FOIA). Follow the guidance for assembling appeal packages as shown in Appendix 9 of the AF Supplement to the basic regulation.

C7.1.1.1. (AF) The FOIA manager will submit the FOIA report on DD Form 2564, **Annual Report Freedom of Information Act**, and send it to HQ AETC/SCMC (FOIA) to arrive by the 10th workday in October of each fiscal year.

C7.1.2.1.3. For MAJCOM use only.

C7.1.2.1.4. For MAJCOM use only.

C7.1.2.2.1. For MAJCOM use only.

C7.1.2.2.2. (AF) Also include denials referred to HQ AETC/SCMC (FOIA) in this category.

C7.1.2.2.3. For MAJCOM use only.

C7.1.2.5. For the current report, use the prior year figures found in blocks 5a(2) and 5b(2) of the last submission as the beginning report figures for current submission in blocks 5a(1) and 5b(1).

C7.1.2.10.1. (AF) The communications squadron commander or equivalent will sign as approving official.

★PAUL F. CAPASSO, Colonel, USAF
Director of Communications and Information